

JS 44 (Rev. 06/17)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Joaquin Gessa and Gina M. Gessa, h/w

(b) County of Residence of First Listed Plaintiff Westchester, NY  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Michael H. Gaier, Esquire  
1628 JFK Blvd., Ste. 400  
Philadelphia, Pa 19103 (215) 751-0100

**DEFENDANTS**

James Laurence Cannady and Ryder Truck Rental, LT and C&amp;W Transportation Systems, LLC

County of Residence of First Listed Defendant Washington DC  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1            | <input type="checkbox"/> 1            | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from Another District (specify)  
☐ 6 Multidistrict Litigation - Transfer  
☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

U.S.C. §1332

Brief description of cause:  
Diversity of Citizenship

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

12/21/2018

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44****Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

<b>JOAQUIN GESSA and</b>	:	
<b>GINA M. JESSA, h/w,</b>	:	
<b>Plaintiffs</b>	:	<b>NO.</b>
	:	
<b>vs.</b>	:	
	:	
<b>JAMES LAURENCE CANNADY</b>	:	
<b>and</b>	:	
<b>RYDER TRUCK RENTAL, LT,</b>	:	<b>JURY TRIAL DEMANDED</b>
	:	
<b>C&amp;W TRANSPORTATION</b>	:	
<b>SYSTEMS, LLC</b>	:	
<b>Defendants</b>	:	

Plaintiffs, Joaquin Gessa and Gina M. Gessa, h/w, by and through their counsel, hereby come complaining of Defendants, James Laurence Cannady and Ryder Truck Rental, LT, and C & W Transportation Systems, LLC and aver as follows:

## THE PARTIES

1. Plaintiffs, Joaquin Gessa and Gina M. Gessa, husband and wife, are adult individuals residing at 64 Oakland Avenue, Tuckahoe, NY 10707.
2. Defendant, James Laurence Cannady, is an adult individual residing at 909 New Jersey Avenue SE, Apt. 1008, Washington, DC 20003.
3. Defendant, Ryder Truck Rental, LT, is a corporation with a place of business located at 920 Brunswick Street, Baltimore, MD 21223.
4. Defendant, C&W Transportation Systems, LLC, is a corporation registered to do business at 4200 23<sup>rd</sup> Place, Temple Hills, MD 20748.

### **JURISDICTION AND VENUE**

5. Jurisdiction is proper pursuant to 28 U.S.C. §1332 because there is diversity of citizenship between the parties and the amount in controversy is above the jurisdictional limits.

6. Venue is proper because Defendant, Ryder Truck Rental, LT, regularly conducts business in Camden County at its office located at 1401 Haddonfield-Berlin Road, Cherry Hill, NJ 08034.

### **FACTUAL BACKGROUND**

7. On or about April 16, 2018, at or about 3:00 PM, Plaintiff, Joaquin Gessa was traveling westbound on I-495 in the left lane (lane 4) towards the NJ Turnpike South Ramp in Weehawken, NJ.

8. At the same date and time, Defendant, James Laurence Cannady, was operating a rental truck owned by Defendant, Ryder Truck Rental, LT and/or Defendant, C&W Transportation Systems, LLC.

9. At all times relevant hereto, Defendant, James Laurence Cannady, was the agent, servant, workman and/or employee of the co-Defendants and was acting within the course and scope of his employment.

10. At that time, Defendants' vehicle was traveling westbound on I-495 in the center lane towards the NJ Turnpike South Ramp in Weehawken, NJ.

11. Without warning, Defendant, James Laurence Cannady, swerved left into Plaintiff's lane of traffic, striking Plaintiff's vehicle and forcing Plaintiff to strike a median barrier, head-on.

12. As a direct and proximate result of the above incident, Plaintiff sustained permanent

and serious bodily injuries as set forth below.

13. As a result of the negligence and carelessness of the Defendants, Plaintiff, Joaquin Gessa sustained serious pain and injury including but not limited to shoulders, knees, back, neck, nervous system, scarring and disfigurement, surgeries, aggravation and exacerbation of pre-existing conditions, including dystonia, and mental anguish, the extent of all of which is not fully known, pain and suffering and other injuries, some or all of which may be permanent in nature.

14. As a result of the Defendants' negligence and carelessness, Plaintiff, Joaquin Gessa, has been and may in the future be required to spend considerable sums of money for medical treatment, any and all of which may continue to his great financial loss and detriment.

15. As a result of the Defendants' negligence and carelessness, Plaintiff, Joaquin Gessa, has sustained a loss of earnings and/or loss of earning capacity to his great detriment and loss.

16. Further, Plaintiff, Joaquin Gessa, has suffered a diminution of his ability to enjoy the pleasures of life to his great detriment and loss.

### **COUNT I** **NEGLIGENCE**

17. Plaintiffs incorporate by reference the foregoing Paragraphs as though set forth in full herein.

18. The aforesaid motor vehicle collision was caused by the negligence of the Defendants in some or all of the following:

- a) failure to observe and obey traffic signs, signals and controls;
- b) operating the vehicle at a speed too fast for conditions;
- c) failure to observe the point and position of Plaintiff's vehicle;
- d) failure to stop;
- e) careless driving;
- f) unsafe driving;
- g) failure to observe and regard marked lanes.
- h) negligent hiring;
- i) negligent entrustment of a motor vehicle;

j) negligent inspection and maintenance of a motor vehicle.

19. As a result of the negligence of the Defendants as aforesaid, Plaintiff suffered the injuries and damages set forth above.

WHEREFORE, Plaintiff, Joaquin Gessa, demands judgment against Defendants, jointly and severally, in an amount in excess of the jurisdictional limits for Arbitration plus interest, costs, attorney's fees and any other relief the Court deems appropriate under the circumstances.

**COUNT II**  
**LOSS OF CONSORTIUM**

23. Plaintiffs incorporate by reference the foregoing Paragraphs as though set forth in full herein.

24. Plaintiff, Gina M. Gessa, is the wife of Joaquin Gessa, and as such has incurred expenses for the treatment of her husband's injuries and may in the future be caused to incur additional expenses as she has in the past.

25. As a result of the aforesaid occurrence, Plaintiff, Gina M. Gessa, to her great detriment and loss, has been deprived of the society, companionship, services and assistance of her husband to which she is legally entitled.

WHEREFORE, Plaintiff, Gina M. Gessa, demands judgment against Defendants, jointly and severally, in an amount in excess of the jurisdictional limits for Arbitration plus interest, costs, attorney's fees and any other relief the Court deems appropriate under the circumstances.

**SHAFFER & GAIER, LLC**

BY:   
MICHAEL H. GAIER, ESQUIRE

Date: 12/21/18

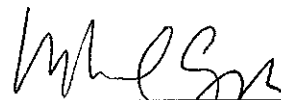
**JURY DEMAND**

The Plaintiffs hereby demand a trial by jury as to all issues.

**DESIGNATION OF TRIAL COUNSEL**

PLEASE TAKE NOTICE that Michael H. Gaier, Esquire is hereby designated as trial counsel for this matter.

**SHAFFER & GAIER, LLC**

BY:   
MICHAEL H. GAIER, ESQUIRE

Date: 12/21/18